



PLEASE NOTE

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For more information concerning the history of this Act, please see the [Table of Public Acts](#).

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CHAPTER E-5.1
EMERGENCY 911 ACT

1. In this Act

Definitions

- (a) “civic address” means a unique number, street or road name, and community name given to a commercial, residential or other property for the purposes of this Act; civic address
- (a.01) “Commission” means the Island Regulatory and Appeals Commission; Commission
- (a.02) “Commissioner” means the Provincial Tax Commissioner provided for by the *Revenue Administration Act* R.S.P.E.I. 1988, Cap. R-13.2 and includes any officer of the Department of Finance and Municipal Affairs authorized to perform any function on behalf of the Commissioner; Commissioner
- (a.1) “cost recovery fee” means the cost recovery fee payable under section 2.1 by the local subscribers of a telephone service for the provision of the PEI 911 service through the telephone service; cost recovery fee
- (b) “emergency service provider” means emergency service provider
- (i) every police force organized to serve any area of the province not served by the Royal Canadian Mounted Police,
 - (ii) every fire department organized to serve any area of the province,
 - (iii) every ambulance service provided in accordance with the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30,
 - (iv) the Royal Canadian Mounted Police, and
 - (v) any other person or service as may be designated by the Minister;
- (b.1) “local subscriber” means local subscriber
- (i) an end-user subscriber who is located within the province and who subscribes to a landline-based telephone service of a telecommunications carrier,
 - (ii) an end-user subscriber who is assigned a telephone number associated with an area within the province and who subscribes to a wireless telephone service of a telecommunications carrier, or
 - (iii) an end-user subscriber who is located within the province and who subscribes to a Voice over Internet Protocol (VoIP) service of a telecommunications carrier;
- (b.01) “inspector” means an inspector provided for by the *Revenue Administration Act*; inspector

month	(b.2) “month” means, in respect of the period for which a cost recovery fee is payable by a local subscriber for the provision of the PEI 911 service through a telephone service, the monthly billing period of the telecommunications carrier who provides the telephone service;
Island Tel	(c) repealed 2000,c.6,s.1.
Minister	(d) “Minister” means the Minister of the Crown designated by the Lieutenant Governor in Council to administer this Act;
municipality	(e) “municipality” means <ul style="list-style-type: none"> (i) the City of Charlottetown and the City of Summerside, (ii) the Town of Stratford and the Town of Cornwall, (iii) all towns within the meaning of the <i>Municipalities Act</i> R.S.P.E.I. 1988, Cap. M-13, and (iv) all communities within the meaning of the <i>Municipalities Act</i> that have an official plan pursuant to the <i>Planning Act</i> R.S.P.E.I. 1988, Cap. P-8;
PEI 911 administration	(e.1) “PEI 911 administration” means, subject to the direction of the Minister, an administration office, within the department, including its employees and agents, which is responsible for the administration of this Act;
PEI 911 service	(f) “PEI 911 service” means a province-wide 911 emergency telephone service for the reporting of emergencies to emergency service providers through a public safety answering point;
private roadway	(g) “private roadway” means every road, street, and right of way located on private property over which vehicles may travel;
public safety answering point	(h) “public safety answering point” means a communication centre that is operated by, or on behalf of, the province for the purpose of receiving and transferring emergency calls through a telephone service to emergency service providers;
reseller	(h.1) “reseller” means a person who <ul style="list-style-type: none"> (i) has the right to use certain telephone services of a telecommunications carrier, and (ii) provides such telephone services to the public for compensation;
telecommunications carrier	(i) “telecommunications carrier” means a person who <ul style="list-style-type: none"> (i) owns or operates a transmission facility used by that person or another person to provide a telephone service to the public for compensation, (ii) uses the internet to provide a telephone service to the public for compensation, or

(iii) is a reseller;

(i.1) “telephone service” means any local telecommunications service permitting outgoing voice transmission offered directly or indirectly by a telecommunications carrier, including

- (i) a single-line residential access line service,
- (ii) a single-line business access line service,
- (iii) a multi-line outgoing access line service,
- (iv) a centrex working telephone number service,
- (v) a wireless service,
- (vi) a Voice over Internet Protocol (VoIP) service, and
- (vii) any other telecommunications service that is of a type or class prescribed by the regulations;

(j) “unauthorized sign” means any sign that

- (i) displays information that could cause confusion during an emergency response,
- (ii) does not meet standards as prescribed by the regulations, or
- (iii) is confusingly similar to a sign relating to emergency services, including civic number signs, public or private roadway signs, municipal or community name signs or any other sign associated with the civic addressing program

and which has been erected or is maintained without the permission of the provincial or municipal authority having jurisdiction over civic addressing;

(k) “Voice over Internet Protocol (VoIP) service” means a Voice over Internet Protocol (VoIP) service that transfers emergency calls to a public safety answering point. 1999,c.23,s.1; 2000,c.6,s.1; 2001,c.33,s.1; 2005,c.4,s.1; 2006,c.30,s.1; 2010,c.31,s.3.

2. (1) The Minister shall, in co-operation with

- (a) telecommunications carriers;
- (b) municipalities; and
- (c) emergency service providers,

establish and operate the PEI 911 service.

(2) Telecommunications carriers, every municipality, and every emergency service provider shall participate, in cooperation with the Minister, in the establishment and operation of the PEI 911 service pursuant to subsection (1).

(3) The Minister may, subject to the approval of the Lieutenant Governor in Council, enter into agreements with telecommunications carriers, municipalities, emergency service providers, and any other person or organization that is, in the opinion of the Minister, necessary in order to develop, establish and operate the PEI 911 service.

Conflict	(4) For greater certainty, where there is a conflict or inconsistency between a provision of this Act or the regulations made under this Act and a provision of an agreement entered into by the Minister under subsection (3), the provision of this Act or the regulations prevails to the extent of the conflict or inconsistency.
Policies, standards, guidelines	(5) The Minister may prepare and administer policies, standards, guidelines, objectives, codes of practice and directives respecting the administration and enforcement of this Act or the regulations, including access to information pursuant to section 5. 1999,c.23,s.2; 2000,c.6,s.2; 2005,c.4,s.2.
Cost recovery fee - purpose	2.1 (1) This section and section 2.2 provide for the imposition and collection of a cost recovery fee for the purpose of recovering the costs of the Government in connection with the provision of the PEI 911 service to the local subscribers of a telephone service of a telecommunications carrier.
Cost recovery fee - amount and payment	(2) Every local subscriber shall, in accordance with subsection (3), pay to the Minister of Finance and Municipal Affairs, in respect of each telephone service that is subscribed to by the local subscriber, a cost recovery fee in the amount set out in the Schedule to this Act for each month or part of a month the local subscriber subscribes to the telephone service.
Payment to Minister of Finance and Municipal Affairs through telecommunications carrier	(3) Any cost recovery fee payable by a local subscriber to the Minister of Finance and Municipal Affairs under subsection (2), in respect of a month or part of a month that the local subscriber subscribes to the telephone service of a telecommunications carrier, shall be paid to the telecommunications carrier within the period of time that the local subscriber is required by the telecommunications carrier to pay for that month or part of a month of telephone service.
Amendment of Schedule by Lieutenant Governor in Council	(4) Where the Lieutenant Governor in Council considers it necessary, the Lieutenant Governor in Council may, by order, amend the Schedule to this Act to change the amount of the cost recovery fee set out therein.
Publication	(5) Every order made under this section shall be published in the Gazette. 2005,c.4,s.3; 2010,c.31,s.3.
Collection of cost recovery fee	2.2 (1) Every telecommunications carrier that provides a telephone service to its local subscribers is an agent of the Minister of Finance and Municipal Affairs for the purpose of collecting the cost recovery fee payable by its local subscribers and, as such an agent, every telecommunications carrier shall collect the cost recovery fee from its local subscribers.

(1.1) Every telecommunications carrier referred to in subsection (1) shall register, in the manner and form prescribed by the Commissioner, with the Minister of Finance and Municipal Affairs as an agent of the Minister of Finance and Municipal Affairs.

Registration of telecommunications carriers

(1.2) The Minister of Finance and Municipal Affairs may, on application by a telecommunications carrier, cancel the registration of the telecommunications carrier where the Minister of Finance and Municipal Affairs is satisfied that telecommunications carrier has ceased to operate in the province.

Cancellation of registration

(2) Every telecommunications carrier that provides a telephone service to a local subscriber for a month or part of a month shall include the amount of the cost recovery fee that is payable by the local subscriber in respect of that month or part of a month in the monthly telephone bill or invoice that the telecommunication carrier submits to a local subscriber for the provision of that month or part of a month of telephone service.

Inclusion of cost recovery fee in monthly telephone bill

(3) Every telecommunications carrier shall, unless exempted in writing by the Minister, send a written notice by mail each calendar year to each of its local subscribers that

Annual notice

- (a) indicates that the local subscriber is required by this Act to pay the cost recovery fee to the Minister of Finance and Municipal Affairs, in respect of each month or part of a month that the local subscriber subscribes to a telephone service, within the period of time that the local subscriber is required by the telecommunications carrier to pay for that month or part of a month of telephone service;
- (b) specifies the amount of the cost recovery fee payable in respect of each month or part of a month that the local subscriber subscribes to a telephone service; and
- (c) indicates that the telecommunications carrier is authorized and required by this Act to
 - (i) collect the cost recovery fee on behalf of the Minister of Finance and Municipal Affairs, and
 - (ii) include the amount of the fee in the monthly telephone bills or invoices that the telecommunications carrier submits to the local subscriber for the telephone service it provides.

(3.1) Every telecommunications carrier that, in a calendar year, sends a written notice by mail to its local subscribers in accordance with subsection (3), shall, before the end of the calendar year, send to the Minister by mail

Idem

- (a) a copy of the notice sent by the telecommunications carrier to its local subscribers; and
- (b) a statement signed by an officer or director of the telecommunications carrier certifying that the notice was provided to

the local subscribers of the telecommunications carrier in accordance with subsection (3).

First notice to local subscribers

(4) Repealed by 2005,c.30,s.2.

Payment of amount in respect of cost recovery fees

(5) Subject to subsection (6), on or before the twentieth day of each calendar month, every telecommunications carrier shall pay to the Minister of Finance and Municipal Affairs an amount equal to

(a) the amount of the cost recovery fees that the telecommunications carrier collected from its local subscribers in the immediately preceding calendar month, as determined in accordance with the regulations; or

(b) the amount of the cost recovery fees that the telecommunications carrier billed to its local subscribers in the immediately preceding calendar month, as determined in accordance with the regulations.

Restriction on changing basis of calculation

(6) After a telecommunications carrier makes its initial monthly payment under this section to the Minister of Finance and Municipal Affairs of an amount that is determined on either the basis of the amount it collected, or on the basis of the amount it billed, in the immediately preceding calendar month, the telecommunications carrier may not change the basis on which the amount of any subsequent payment is calculated under this section without the prior written approval of the Commissioner. 2005,c.4,s.3; 2006,c.30,s.2; 2010,c.31,s.3.

Duty of municipalities

3. (1) Every municipality that is actively engaged in a civic addressing program at or after the time this Act comes into force shall ensure that every commercial, residential and other property in the municipality is assigned a civic address.

Duty of Minister

(2) The Minister shall ensure that every commercial, residential, and other property located

(a) outside the boundaries of a municipality that is actively engaged in a civic addressing program at the time this Act comes into force; and

(b) inside the boundaries of a municipality that is not actively engaged in a civic addressing program at or after the time this Act comes into force,

is assigned a civic address.

Duty of property owners

(3) Every property owner shall ensure that the civic address and any sign or symbol required by this Act or the regulations is displayed and maintained in accordance with this Act and the regulations.

Private roadways

(4) Where the sole means of access to a property is by way of a private roadway, the owner of the private roadway shall ensure that the private roadway is named and signed in the manner prescribed by regulation.

(5) Where it appears that the owner of a private roadway has not complied with subsection (4), the Minister may give notice to the owner to comply with subsection (4) within 10 days, and where

Notice to comply

(a) the owner fails to comply with the notice; or

(b) the owner cannot be located or served with a notice,

the Department of Justice and Public Safety shall be deemed to have the authority to proceed with the naming and signing of the private roadway in accordance with the regulations.

(6) When an unauthorized sign which might compromise public safety has been erected or is maintained, the sign shall be immediately removed by the property owner or the provincial or municipal authority having jurisdiction over civic addressing, upon the written order of the Minister. 1999,c.23,s.3; 2000,c.6,s.3; 2001,c.33,s.2; 2009,c.73,s.2; 2010,c.31,s.3; 2010,c.14,s.3.

Order for removal of unauthorized sign

3.1 Notwithstanding any other Act, the PEI 911 administration may enter or trespass on any land for the purposes of administering this Act. 2000,c.6,s.4.

Entry

4. The province, the Minister, telecommunications carriers, a municipality, an emergency service provider or an employee or a volunteer engaged by any of them is not liable for any loss or damage suffered by any person by reason of anything in good faith done or omitted to be done by the province, the Minister, telecommunications carrier, the municipality, the emergency service provider, the employee or the volunteer under the authority of this Act or the regulations. 1999,c.23,s.4; 2000,c.6,s.2.

Exemption from liability

4.1 (1) Except for purposes of the administration and enforcement of this Act and the regulations, and subject to subsection (3), all information and all written statements and documents respecting cost recovery fees that are obtained under this Act and the regulations by the Minister of Finance and Municipal Affairs, the Commissioner, an inspector or any person employed by or authorized to act on behalf of any of them for any purposes of this Act and the regulations, are confidential.

Confidentiality

(2) Except for purposes of the administration and enforcement of this Act and the regulations, and subject to subsection (3), no person employed by the province shall

Idem

(a) communicate or allow to be communicated to any person any information referred to in subsection (1); or

(b) allow any person to inspect or have access to any written statement or document referred to in subsection (1).

(3) The Minister of Finance and Municipal Affairs may

Exception

- (a) communicate, or allow to be communicated, any information referred to in subsection (1); or
- (b) allow inspection of or access to any written statement or document referred to in subsection (1),
to the employees of other departments of the government on request only where
- (c) the person to whom the information or written statement relates authorizes the Minister of Finance and Municipal Affairs to do so;
or
- (d) the information or written statement or document
 - (i) does not identify the number of local subscribers of or any amount paid under this Act and the regulations in respect of cost recovery fees by any individual telecommunications carrier, and
 - (ii) is not available from any other source.

Oath of secrecy

(4) Any person employed by the province who, by virtue of his position, obtains information referred to in subsection (1) or has access to such information may be required by the Minister of Finance and Municipal Affairs to take an oath of secrecy. 2006,c.30,s.3; 2010,c.31,s.3.

Restriction on information supplied

5. (1) All information respecting the design, development, implementation, operation and maintenance of the P.E.I. 911 service, other than that referred to in subsection 4.1(1), that is supplied

- (a) by telecommunications carriers to the province, any municipality, any emergency service provider, or any other person pursuant to this Act or the regulations; and
- (b) by the province, any municipality, any emergency service provider, or any other person pursuant to this Act or the regulations, to telecommunications carriers,

shall be supplied and made accessible only to the extent necessary to permit the design, development, implementation, operation, and maintenance of the P.E.I. 911 service.

Maintenance of confidentiality

(2) The province, telecommunications carriers, every municipality and every emergency service provider shall ensure that information supplied pursuant to subsection (1)

- (a) is maintained in confidence; and
- (b) their respective employees, assigns, agents and contractors having access to the information maintain the information in confidence.

Restriction on use of information

(3) The province, telecommunications carriers, every municipality, every emergency service provider and their respective employees, assigns, agents, and contractors shall not use any information supplied

pursuant to subsection (1) for any purpose other than the purposes specified in subsection (1).

(4) Nothing in this section precludes the province, telecommunications carriers, any municipality, any emergency service provider, or any other person from providing information supplied or received pursuant to subsection (1) under the lawful authority of a court or tribunal. 1999,c.23,s.5; 2000,c.6,s.2; 2006,c.30,s.4.

Exception; courts, tribunals

6. No person shall connect an automatic alarm of any kind to the PEI 911 service. 1999,c.23,s.6.

Automatic alarm

7. (1) No person shall use an automatic dialer to dial the number “911”.

Automatic dialer

(2) No person shall program the number “911” on any speed dial feature of any communication device. 1999,c.23,s.7.

Speed dial

8. No person shall place a false, frivolous, or vexatious call to the number “911”. 1999,c.23,s.8.

False calls

9. A person who violates any provision of this Act or the regulations is guilty of an offence and is liable on summary conviction to a fine of not more than \$5,000 or, in default, to a term of imprisonment not exceeding six months, and for each subsequent offence is liable on summary conviction to a fine of not more than \$10,000 or, in default, to a term of imprisonment not exceeding one year. 1999,c.23,s.9; 2005,c.4,s.4.

Offences and penalties

9.1. Any officer, director or agent of a telecommunications carrier, or any other person, who directed, authorized, assented to, acquiesced in or participated in the commission of any act, or the omission of any act, by the telecommunications carrier which is an offence under this Act, is guilty of an offence and on summary conviction is liable to the punishment provided for the offence whether or not the telecommunications carrier has been prosecuted or convicted of any offence under this Act. 2006,c.30,s.5.

Officers, etc. of telecommunications carrier

9.2 (1) Where a telecommunications carrier fails to

(a) bill a cost recovery fee; or

(b) pay any amount, including any interest or penalty, that is due and payable under this Act and the regulations,

the persons who were directors of the telecommunications carrier at the time of such a failure are jointly and severally liable, together with the telecommunications carrier, to pay any cost recovery fee that was not billed or any amount that was not paid.

Directors' liability for failure to bill or pay

(2) A director of a telecommunications carrier is not liable for a failure described in subsection (1) if the director exercised the degree of care,

Prudent director

diligence and skill to prevent the failure that a reasonably prudent person would have exercised in comparable circumstances.

Assessment	(3) The Commissioner may assess any director of a telecommunications carrier for any amount payable by the director under this section, and the provisions of the regulations respecting assessments, objections and appeals apply to the assessment of a director under this section with such modifications as the circumstances require.
Time limit	(4) No assessment of a person may be made under this section more than two years after the person ceased to be a director of a telecommunications carrier. 2006,c.30,s.5.
Limitation period for prosecutions	9.3 A prosecution for a violation of this Act shall be commenced within four years from the time of the violation. 2006,c.30,s.5.
Evidence	<p>9.4 (1) In any prosecution or other proceeding under this Act, a certificate signed by the Minister of Finance and Municipal Affairs or the Commissioner or purporting to be signed by the Minister of Finance and Municipal Affairs or the Commissioner stating that</p> <ul style="list-style-type: none"> (a) a specified amount is the amount due and payable, or deemed to be due and payable, by a telecommunications carrier or other person under this Act and the regulations; (b) a telecommunications carrier has failed to keep such records in such form, containing such information as is required under this Act and the regulations; (c) a telecommunications carrier has failed to make a return in such form and manner and at such times as is required under this Act and the regulations; (d) a specified amount is the <ul style="list-style-type: none"> (i) amount of cost recovery fees that have been collected or billed, or deemed to have been collected or billed, by a telecommunications carrier under this Act and the regulations, or (ii) the amount that has been paid to the Minister of Finance and Municipal Affairs by a telecommunications carrier or other person under this Act and the regulations; (e) a telecommunications carrier or other person has failed to pay to the Minister of Finance and Municipal Affairs a specified amount at such time or times and in such manner as is required under this Act and the regulations; (f) a telecommunications carrier or other person at a specified time refused to permit the Commissioner, an inspector, a peace officer, or a person designated by the Commissioner to conduct an assessment, reassessment, audit or investigation under this Act or obstructed or interfered with an assessment, reassessment, audit or investigation

conducted by the Commissioner, an inspector, a peace officer, or a person designated by the Commissioner under this Act, may be adduced in evidence without proof of the appointment, signature or authority of the Minister of Finance and Municipal Affairs or the Commissioner and, when so adduced, is, in the absence of evidence to the contrary, proof of the facts stated therein and, where the person named in the certificate has the same name as the accused, that the person named in the certificate is the accused.

(2) Any report, certificate or other document signed by the Minister of Finance and Municipal Affairs or by the Commissioner or purporting to be signed by the Minister of Finance and Municipal Affairs or by the Commissioner may be adduced in evidence in any court without proof of the appointment, signature or authority of the Minister of Finance and Municipal Affairs or of the Commissioner and, when so adduced, is, in the absence of evidence to the contrary, proof of the facts stated therein. 2006,c.30,s.5; 2010,c.31,s.3. *Idem*

- 10.** The Lieutenant Governor in Council may make regulations Regulations
- (a) respecting the civic addressing of properties located in the province;
 - (b) respecting the size, location, design and maintenance of civic addresses and any other sign or symbol to be displayed;
 - (c) requiring every municipality to provide the Minister with the civic addresses of properties located within the municipality;
 - (d) respecting
 - (i) the selection of, and operational boundaries of, public safety answering points, and
 - (ii) the services and functions to be performed by public safety answering points for the purposes of the effective operation of the PEI 911 service;
 - (d.1) requiring an emergency service provider to give advance notice to the Minister of any change
 - (i) to the operational boundaries of the emergency service provider, or
 - (ii) to the operational procedures of the emergency service provider that could have an impact on the effective operation of the PEI 911 service;
 - (d.2) respecting the manner of, form of and timing regarding
 - (i) any notice given under this Act, or
 - (ii) any information requested by the Minister under this Act;
 - (e) respecting the confidentiality of information acquired in the development, establishment and operation of the PEI 911 service and the circumstances under which the information may be disclosed;

- (e.1) prescribing the classes or types of telecommunications service that are telephone services for the purposes of clause 1(i.1);
- (e.2) respecting the records and information to be kept by a telecommunications carrier in respect of the collection of the cost recovery fees payable by its local subscribers;
- (e.3) respecting the determination of the amount required to be paid under subsection 2.2(5) by a telecommunications carrier in respect of the cost recovery fees it has billed or collected;
- (e.4) providing for an allowance that a telecommunications carrier may retain for the costs it has incurred in respect of the cost recovery fees it has billed or collected;
 - (e.4.1) respecting the preparation, content and filing of returns with the Commissioner by a telecommunications carrier for the purpose of confirming the appropriateness of the monthly payments it makes in respect of the cost recovery fees it has billed or collected;
- (e.5) providing for the audit of a telecommunications carrier, on an annual or other basis, for the purpose of ensuring compliance with the requirements of this Act and the regulations;
- (e.6) respecting the assessment, reassessment or estimate by the Commissioner of any amount required to be paid by a telecommunications carrier under subsection 2.2(5) for the purpose of ensuring compliance with this Act;
 - (e.6.1) allowing telecommunications carriers to make objections to the Commissioner in respect of the assessments, reassessments and estimates referred to in clause (e.6);
 - (e.6.2) respecting appeals to the Commission from decisions of the Commissioner concerning the objections referred to in clause (e.6.1);
 - (e.6.3) providing for the recovery by the Government of any amount that a telecommunications carrier fails to pay to the Minister of Finance and Municipal Affairs in accordance with this Act and the regulations, including
 - (i) requiring the payment of interest and a penalty by a telecommunications carrier in respect of amounts that are paid to the Minister of Finance and Municipal Affairs after the date required by this Act and the regulations, and
 - (ii) authorizing the Minister of Finance and Municipal Affairs, on the default of a telecommunications carrier to pay an amount as required under this Act, to issue a certificate stating the amount due and payable, including any interest or penalty, to file the certificate with the Registrar of the Supreme Court and to give the filed certificate the same force and effect as a judgement obtained in the Supreme Court by the Government against the telecommunications carrier named in the certificate;

- (e.7) respecting any other matter pertaining to the cost recovery fees that the Lieutenant Governor in Council considers necessary;
- (e.8) respecting the establishment and collection of fees, other than the cost recovery fee, for any service, other than the PEI 911 service, or material provided or required in the administration of this Act; and
- (f) as necessary to carry out the purposes of this Act.
1999,c.23,s.10; 2000,c.6,s.5; 2001,c.33,s.3; 2005,c.4,s.5;
2006,c.30,s.6; 2010,c.31,s.3.

SCHEDULE**COST RECOVERY FEE**

The amount of the cost recovery fee that is payable by a local subscriber for the provision of the PEI 911 service through a telephone service is \$0.50 per month, or part month, for each telephone service that is subscribed to by the local subscriber.

2005,c.4